

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

March 5, 2002

WINSTAR WIRELESS, INC.  
Request to Abandon Service

ORDER GRANTING  
AUTHORITY TO ABANDON  
SERVICE

Docket No. 2002-32

WINSTAR COMMUNICATIONS, LLC  
Petition for Finding of Public Convenience  
and Necessity to Provide Service as an  
Interexchange Telephone  
Utility

ORDER GRANTING  
AUTHORITY TO  
PROVIDE INTEREXCHANGE  
SERVICE

Docket No. 2002-33

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WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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On January 17, 2002, Winstar Wireless, Inc. and Winstar Communications, LLC filed a joint application requesting the Commission to allow Winstar Wireless, Inc. to abandon service and to grant Winstar Communications, LLC the authority to provide essentially the same service previously provided by Winstar Wireless, Inc. Winstar Wireless, Inc. obtained authority to provide interexchange service in Docket No. 98-174. Winstar Communications, LLC is a new corporation (owned by a new parent corporation) that was formed pursuant to bankruptcy proceedings involving Winstar Wireless, Inc. Pursuant to this order, Winstar Wireless, Inc.'s current authority to provide interexchange telephone service will terminate and Winstar Communications, LLC will, in effect, take over its service. The effective date of both events will be April 17, 2002.

The service, rate schedules and terms and conditions of the successor entity (Winstar Communications, LLC ) will be identical to those of the public utility that is abandoning service (Winstar Wireless, Inc.). The names of the two entities are similar. The application states that all customers have been provided with notice of the transactions in December, 2001.

By this order we grant authority to Winstar Communications, LLC to provide interexchange service subject to all provisions of the order that granted authority to provide such service to Winstar Wireless, Inc. Prior to March 18, 2001, Winstar Communications, LLC shall file a proposed schedule of rates, terms and conditions reflecting the corporate and any d/b/a name change.

Wherefore, we

O R D E R

1. That the request, pursuant to 35-A M.R.S.A. § 1104, by Winstar Wireless, Inc. to abandon service is hereby granted effective on April 17, 2002;

2. That the petition, filed pursuant to 35-A M.R.S.A. § 2102, of Winstar Communications, LLC for a finding of public convenience and necessity to provide facilities-based interexchange public utility telephone service as a reseller is hereby granted effective April 17, 2002; Winstar Communications, LLC shall be bound by and subject to all provisions, including the ordering paragraphs, of the order granting authority to Winstar Wireless, Inc. in Docket Number 98-174; and

3. That on or before March 18, 2002, Winstar Communications, LLC shall file proposed rate schedules and terms and conditions that are identical of those for Winstar Wireless, Inc. (except for changes in names) with a proposed effective date of April 17, 2002. These rate schedules and terms and conditions may be approved by the Director of Technical Analysis.

Dated at Augusta, Maine this 5<sup>th</sup> day of March, 2002.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR: Welch

Nugent  
Diamond

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.